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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,655	02/09/2000	Scott C. Cottrille	777.327US1	2927

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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

NGUYEN, MAIKHANH

ART UNIT PAPER NUMBER

2176

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/500,655

Applicant(s)

COTTRILLE ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-31,67-69,101-103 and 105-119 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-31,67-69,101-103 and 105-119 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 03/18/2005 to the original application filed 02/09/2000.
2. Claims 29-31, 67-69, 101-103, and 105-119 are currently pending in this application. Claims 29, 67 and 101 have been amended. Claims 29, 67, and 101 are independent claims.

Claim Objections

3. Claims 31, 69, and 103 are objected to because of the following informalities: the **abbreviations** used in these claims should be defined. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 29-31, 67-69, 101-103, and 105-119 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Lakritz (U.S. 6,623,529 – filed 01/1999).

As to independent claim 29:

Lakritz teaches (*col.2, lines 17-27*) the invention substantially as claimed including a computer-implemented method for generating localized versions (*e.g., provide a document localization*) of a localizable Internet document (*e.g., multilingual Internet Web site*) for delivery to a client (*e.g., delivery to Web site visitor*), the method comprising:

- a. extracting a localizable portion of the localizable Internet document (*e.g., Documents that need to be translated are extracted from the language and country database; col.10, lines 40-42 and col.11, lines 52-60*) so to separate the localize portion from no-localizable content of the localizable Internet document (*col.9, lines 44- lines 57 & col.10, lines 40-42*), the localizable portion is localized according to different languages and/or geographical locations (*e.g., automatically determines the language and country of a Web site visitor ... deliver the appropriate localized content contained in one or more country/language database and/or file-based content in a file system to the visitor's browser; col.4, lines 3-19/ create localized content for specific geographic regions or countries; col.6, lines 50-57/ automatically localized for different languages; col.26, lines 33-35 and Fig.12*) so as to form multiple localizable versions (*e.g., the creation of foreign language versions; col.8, lines 64-66 and Fig.12, items 1210-1215*); and

- b. translating each localized version to a plurality of encoded versions (*e.g., encoding of the text to properly interpret for subsequent translation; col.4, lines 29-34/A Translation Resource performs translation or other linguistic functions on a set of input documents and their constituent or dependent components and produces a set of output documents that have transformed linguistically; col.12, lines 29-32 /a single form or CGI- generated document can be constructed so that it will be automatically localized for different languages and locales; col.36, lines 31-35/ A single CG script or form can be localized for multiple languages from a single copy of source code; col.28, lines 15-16*).
- c. Lakritz does teach storing the localized versions of the localizable portion and storing the encoded versions (*e.g., All documents in that language are placed in the corresponding directory; col.17, lines 44-64*). Lakritz, however, does not specifically teach “the directory hierarchy”.
- d. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to have applied Lakritz’s teachings to include “the directory hierarchy” because it would have provided the capability for facilitating the localization of documents, data streams, and non-text files for multilingual Internet Web sites, enabling the Web site manager to incrementally update the language content of a Web site or document, thereby enhancing the maintainability and storage of multilingual electronic content.
- e. The fact that Lakritz’s teachings “*Content is hierarchically stored as country and language independent elements*” (*col.6, lines 44-46*); “*each language be assigned*

a unique directory in the document tree. All documents in that languages are placed in the corresponding directory. The entire document tree then becomes a collection of parallel language directories” (col.17, lines 44-48); and purpose of assigning each language a unique directory in the document tree and placing all documents in the corresponding directory in Lakritz suggest “hierarchy directory”.

As to dependent claim 30:

Lakritz teaches extracting string literal from the localizable document; and storing the string literal as symbols (*col. 27, lines 23-28/col.28, lines 61-67 and col.29, lines 28-67*).

As to dependent claim 31:

Lakritz teaches the encoded versions represent DBCS, Unicode, and UTF-8 versions of the corresponding localized version (*col.4, lines 46-54 / col.58, lines 56-58*).

As to dependent claim 105:

Lakritz teaches the localizable Internet document is an electronic mail document (*Abstract and col.2, lines 17-27*).

As to dependent claim 106:

Lakritz teaches the localizable Internet document is a Web page document (*Abstract and col.3, lines 25-38*).

As to dependent claim 107:

Lakritz teaches the localizable Internet document is an electronic communication (*Abstract and col.2, lines 17-27*).

As to dependent claim 108:

Lakritz teaches the electronic communication is electronic mail (*Abstract and col.2, lines 17-27*).

As to dependent claim 109:

Lakritz teaches the localizable Internet document is a portion of a Web page document (*Abstract and col.2, lines 17-27*).

As to independent claim 67:

It is directed to a computer-readable medium for implementing the method of claim 29, and is similarly rejected under the same rationale.

As to dependent claims 68-69 and 110-114:

They include the same limitations as in claims 30-31 and 105-109, and are similarly rejected under the same rationale.

As to independent claim 101:

It is directed to a computer for performing the method of claim 29, and is similarly rejected under the same rationale.

As to dependent claims 102-103 and 115-119:

They include the same limitations as in claims 30-32 and 105-109, and are similarly rejected under the same rationale.

Response to Arguments

5. Applicant's arguments filed on 03/18/2005 have been fully considered, but they are not persuasive.

- a. Applicant argues that *nowhere does Lakritz teach "extracting a localizable portion of the localizable Internet document so to separate the localizable portion from non-localizable content of the localizable Internet document."* (Remarks, page 9, last para.)

In response, Lakritz teaches (*col.9, lines 44- lines 57 & col.10, lines 40-42*) extracting (*extracted*) a localizable portion of the localizable Internet document (*documents that need to be translated*) so to separate the localizable portion from non-localizable content (*non-text elements, graphics, etc.*) of the localizable Internet document.

The scope of the claimed "*a localizable portion*" and "*non-localizable content*" clearly transcend the more narrow scope that Applicant attempts to impute through argument. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art, *In re Self*, 213 USPQ 1 (CCPA 1982), *In re Priest*, 199 USPQ 11 (1978). The recited "*a localizable portion*" and "*non-localizable content*" are clearly subject to a broad interpretation as detailed in the rejections maintained above. The Examiner has a duty and responsibility to the public and to Applicant to interpret the claims as broadly as reasonably possible during prosecution. *In re Prater*, 415 F.2d 1 393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." *In re Hyatt* 21 1 F.3d

1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (1989) "During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."

In considering "*a localizable portion*" and "*non-localizable content*", it is noted that Applicant uses terminology that has broad meaning in the art, and thus requires a broad interpretation of the claims in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. In re Van Geuns, 988 F.2d 1 181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant should set forth claims in language that clearly, distinctly, unambiguously and uniquely define the invention. The fact that Applicant has not narrowed the

definition/scope of the current claims implies that Applicant intends an extensive coverage breadth of the claims, which is clearly met by the cited prior art.

- b. Applicant argues that Lakritz does not teach “translating each localized version to a plurality of encoded versions.” (Remarks, page 11, 1st para.)

In response, Lakritz’s teachings “*encoding of the text to properly interpret for subsequent translation; col.4, lines 29-34/A Translation Resource performs translation or other linguistic functions on a set of input documents and their constituent or dependent components and produces a set of output documents that have transformed linguistically; col.12, lines 29-32 /a single form or CGI-generated document can be constructed so that it will be automatically localized for different languages and locales; col.36, lines 31-35/ A single CG script or form can be localized for multiple languages from a single copy of source code; col.28, lines 15-16*” do read-on the limitations as claimed by Applicant.

- c. Applicant argues that *Nowhere does Lakritz teach translating an already localized content to a plurality of encoded versions.* (Remarks, page 11, 1st para.)
- Claims 29, 67, and 101 do not claim “*translating an already localized content to a plurality of encoded versions*”. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. See In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978). The Examiner has a *duty and responsibility* to the public and to Applicant to interpret the claims as

broadly as reasonably possible during prosecution (see In re Prater, 56 CCPA 1381, 415 F.2d 1393, 162 USPQ 541 (1969)).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sakaguchi, Tetsuo et al., "A Browsing Tool for Multi-lingual Documents for Users without Multi-lingual Fonts", ACM International Conference on Digital Libraries, pp.63-71, March 1996.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (571) 272-

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4093. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H Feild can be reached on (571) 272-4090.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Maikhanh Nguyen
May 19, 2005


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER